



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

11 BAIL APPLICATION NO. 693 OF 2024

MADHAV VITTHAL THETE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Shrimant Mundhe.
APP for Respondent/State : Mr. Rajdeep D. Raut.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 06th May, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.80 of 2024, registered with Aurad Shahajani Police Station, Taluka Nilanga, District Latur, for the offence punishable under Section 20 of the NDPS Act.

3 It is averred in the report that the informant got information that the applicant stocked the cannabis in his house at Tagarkheda, Taluka Nilanga, District Latur for selling it. Therefore, the raid was planned and it was effected. The total cannabis of Rs.37,282/- and weighing 2663 grams were seized and its *Panchanama* was drawn up.

The samples are taken in the presence of *Panchas*. Thereafter, the report was lodged.

4 The learned counsel for applicant submitted that the applicant has no criminal antecedents. The practical investigation is over. Considering the quantity of the cannabis, the applicant deserves to be released on bail. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in serious crime. He submitted that for the quantity of the cannabis of 2663 grams, it being intermediate quantity, the applicant can be held liable and sentence for ten years rigorous imprisonment. He further submits that if the applicant is released on bail, he will commit same nature of crime. The investigation is not over. It is lastly prayed to reject the application.

6 Perused the papers of investigation, particularly, the report and the seizure *Panchanama* of the cannabis. The applicant has no criminal antecedents. The practical investigation is over. The applicant has roots in the society. The trial will take a long period. The application, therefore, deserves to be allowed on certain stringent conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.80 of 2024, registered with Aurad Shahajani Police Station, Taluka Nilanga, District Latur, for the offence punishable under Section 20 of the NDPS Act, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.
 - c) The applicant shall not commit same nature of crime.
- III. If breach of any of the above conditions is noticed by the Trial Court, the Trial Court is at liberty to cancel the bail of this applicant without reference to this Court.

[SANJAY A. DESHMUKH, J.]

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